

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLAIRE PATRICIA HAVILAND, et
al.,
CLAIRE PATRICIA HAVILAND (1),
BRIAN GLENN EKLUND (2),
STEVEN MICHAEL SILVERBERG (5),
CORY DANIEL SIMS (7),
ROBERT M. SLAYTON (11),
MICHAEL VITANZA (12),
PAUL JOHN PICHIE (13),
GUY MANNING WILLS (15),
CHARISSA MARIE CHOTARD (16),
JULIE ANN ROMERO (17),
CYNTHIA VAN VLYMEN (18),
PAGET GARY EKLUND (21),
SCOTT JOSHUA VENNUM (22),
MICHAEL ANTHONY CHATTERTON
(23), CHRISTOPHER CRAIG (25),
GABRIELA IBARRA (26),
RICHARD KEVIN RILEY (29),
ADAM L. RODNEY (32),
CHRISTOPHER PATRICK POLLAY
(34), TARA JANE BECKWITH
(36), ALBERT ETHAN EKLUND
(42), CIARA JACOBS (44),
ROBERT ANTHONY BAKER (46),
JAMES ALLEN THAEMERT (51),
DAVID MITCHELL SHAPIRO (52),
SEAN CRAIG GLUCKMAN (53),
CHRISTOPHER MARK PREVEDELLO
(56), HENISI UTSLER (59),
REBEKA ANNA BENEDICT (60),
TANYA NURRIA RESNICK (64),

Defendants.

No. CR 2:24-CR-00570-WLH

[PROPOSED] PROTECTIVE ORDER
REGARDING DISCOVERY CONTAINING
DISCOVERY CONTAINING PERSONAL
IDENTIFYING INFORMATION, MEDICAL
INFORMATION, PRIVACY ACT
INFORMATION, AND CONFIDENTIAL
INFORMANT INFORMATION

The Court has read and considered the parties' Stipulation for
a Protective Order Regarding Discovery Containing Personal
Identifying Information, Medical Information, Privacy Act

Information, and Confidential Informant Information, filed by the government and defendants CLAIRE PATRICIA HAVILAND (1), BRIAN GLENN EKELUND (2), STEVEN MICHAEL SILVERBERG (5), CORY DANIEL SIMS (7), ROBERT M. SLAYTON (11), MICHAEL VITANZA (12), PAUL JOHN PICHIE (13), GUY MANNING WILLS (15), CHARISSA MARIE CHOTARD (16), JULIE ANN ROMERO (17), CYNTHIA VAN VLYMEN (18), PAGET GARY EKELUND (21), SCOTT JOSHUA VENNUM (22), MICHAEL ANTHONY CHATTERTON (23), CHRISTOPHER CRAIG (25), GABRIELA IBARRA (26), KEVIN RILEY (29), ADAM L. RODNEY (32), TARA JANE BECKWITH (36), ALBERT ETHAN EKLUND (42), CIARA JACOBS (44), JAMES ALLEN THAEMERT (51), DAVID MITCHELL SHAPIRO (52), SEAN CRAIG GLUCKMAN (53), CHRISTOPHER MARK PREVEDELLO (56), HENISI UTSLER (59), REBEKA ANNA BENEDICT (60), and TANYA NURRIA RESNICK (64), ("defendants") in this matter on or about October 23, 2024, which this Court incorporates by reference into this order, and FOR GOOD CAUSE SHOWN the Court hereby FINDS AND ORDERS as follows:

1. The government's discovery in this case relates to defendants' alleged crimes, that is, violations of 18 U.S.C. § 1962(d): Racketeer Influenced and Corrupt Organizations Conspiracy; 21 U.S.C. § 846: Conspiracy to Distribute and to Possess with Intent to Distribute Controlled Substances; 18 U.S.C. § 1349: Conspiracy To Commit Bank Fraud; 18 U.S.C. § 1344: Bank Fraud; 18 U.S.C. § 1028A: Aggravated Identity Theft; 21 U.S.C. §§ 841(a)(1), (b)(1)(A), (b)(1)(B), (b)(1)(C), (b)(2): Possession with Intent to Distribute and Distribution of Controlled Substances; 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm and Ammunition; 18 U.S.C. § 924(c)(1)(A): Possess a Firearm in Furtherance of a Drug Trafficking

1 Crime; 18 U.S.C. § 1029(a)(3): Possession of Fifteen or More
2 Unauthorized Access Devices; 18 U.S.C. § 2(a): Aiding and Abetting.

3 2. A protective order for the discovery is necessary so that
4 the government can produce to the defense materials regarding
5 confidential informants or cooperating witnesses who participated in
6 the government's investigation and who may testify at trial.
7 Because these materials could be used to identify the confidential
8 informants or cooperating witnesses, the Court finds that the
9 unauthorized dissemination or distribution of the materials may
10 compromise the ability of such persons to participate effectively in
11 future investigations in an undercover capacity and/or may expose
12 him/her to potential safety risks.

13 3. A protective order for the discovery is also necessary so
14 that the government can produce to the defense materials containing
15 third parties' PII and medical information. The Court finds that
16 disclosure of this information without limitation risks the privacy
17 and security of the information's legitimate owners. The medical
18 information at issue may also be subject to various federal laws
19 protecting the privacy of medical records, including provisions of
20 the Privacy Act, 5 U.S.C. § 552a; provisions of 45 C.F.R.
21 §§ 164.102-164.534; and/or provisions of 42 U.S.C. § 1306. Because
22 the government has an ongoing obligation to protect third parties'
23 PII and medical information, the government cannot produce to
24 defendant an unredacted set of discovery containing this information
25 without this Court entering the Protective Order. Moreover, PII and
26 medical information make up a significant part of the discovery in
27 this case and such information itself, in many instances, has
28 evidentiary value. If the government were to attempt to redact all

1 this information in strict compliance with Federal Rule of Criminal
2 Procedure 49.1, the Central District of California's Local Rules
3 regarding redaction, and the Privacy Policy of the United States
4 Judicial Conference, the defense would receive a set of discovery
5 that would be highly confusing and difficult to understand, and it
6 would be challenging for defense counsel to adequately evaluate the
7 case, provide advice to defendant, or prepare for trial.

8 4. An order is also necessary because the government intends
9 to produce to the defense materials that may contain information
10 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
11 Information"). The Court finds that, to the extent that these
12 materials contain Privacy Act information, disclosure is authorized
13 pursuant to 5 U.S.C. § 552a(b)(11).

14 5. The purpose of this Protective Order is therefore to
15 (a) allow the government to comply with its discovery obligations
16 while protecting this sensitive information from unauthorized
17 dissemination, and (b) provide the defense with sufficient
18 information to adequately represent defendant.

19 6. Accordingly, the discovery that the government will
20 provide to defense counsel in the above-captioned case will be
21 subject to this Protective Order, as follows:

22 a. As used herein, "CI Materials" includes any
23 information relating to a confidential informant's or cooperating
24 witness's prior history of cooperation with law enforcement, prior
25 criminal history, statements, or any other information that could be
26 used to identify a confidential informant or cooperating witness,
27 such as a name, image, address, date of birth, or unique personal
28 identification number, such as a Social Security number, driver's

1 license number, account number, or telephone number.

2 b. As used herein, "PII Materials" includes any
3 information that can be used to identify a person, including a name,
4 address, date of birth, Social Security number, driver's license
5 number, telephone number, account number, email address, or personal
6 identification number.

7 c. "Medical Materials" includes any individually
8 identifiable health information that is connected to a patient's
9 name, address, or other identifying number, such as a Social
10 Security number or Medicare/Medi-Cal number.

11 d. "Confidential Information" refers to any document or
12 information containing CI Materials, PII Materials, or Medical
13 Materials that the government produces to the defense pursuant to
14 this Protective Order and any copies thereof.

15 e. "Defense Team" includes (1) defendant's counsel of
16 record ("defense counsel"); (2) other attorneys who may be consulted
17 regarding the case (including counsel for other parties, and their
18 defense team members, who have been granted access to the
19 Confidential Information); (3) defense investigators who are
20 assisting defense counsel with this case; (4) retained experts or
21 potential experts; and (5) paralegals, legal assistants, and other
22 support staff to defense counsel who are providing assistance on
23 this case. The Defense Team does not include defendant, defendant's
24 family members, or any other associates of defendant.

25 f. The government is authorized to provide defense
26 counsel with Confidential Information marked with the following
27 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
28 ORDER." The government may put that legend on the digital medium

1 (such as DVD or hard drive) or simply label a digital folder on the
2 digital medium to cover the content of that digital folder. The
3 government may also redact any PII contained in the production of
4 Confidential Information.

5 g. If defendant objects to a designation that material
6 contains Confidential Information, the parties shall meet and
7 confer. If the parties cannot reach an agreement regarding
8 defendant's objection, defendant may apply to this Court to have the
9 designation removed.

10 h. Defendant and the Defense Team shall use the
11 Confidential Information solely to prepare for any pretrial motions,
12 plea negotiations, trial, and sentencing hearing in this case, as
13 well as any appellate and post-conviction proceedings.

14 i. The Defense Team shall not permit anyone other than
15 the Defense Team to have possession of Confidential Information,
16 including defendant, while outside the presence of the Defense Team.

17 j. Notwithstanding the above, defendant may see and
18 review CI Materials only in the presence of a member of the Defense
19 Team, who shall ensure that defendant is never left alone with any
20 CI Materials. At the conclusion of any meeting with defendant at
21 which defendant is permitted to view CI Materials, defendant must
22 return any CI Materials to the Defense Team, who shall take all such
23 materials with him or her. Defendant may not take any CI Materials
24 out of the room in which defendant is meeting with the Defense Team.
25 At no time, under no circumstance, will any Confidential Information
26 be left in the possession, custody, or control of defendant,
27 regardless of defendant's custody status.

1 k. Defendant may review PII Materials and Medical
2 Materials only in the presence of a member of the Defense Team, who
3 shall ensure that defendant is never left alone with any PII
4 Materials or Medical Materials. At the conclusion of any meeting
5 with defendant at which defendant is permitted to view PII Materials
6 or Medical Materials, defendant must return any PII Materials or
7 Medical Materials to the Defense Team, and the member of the Defense
8 Team present shall take all such materials with him or her.
9 Defendant may not take any PII Materials or Medical Materials out of
10 the room in which defendant is meeting with the Defense Team.

11 l. Defendant may see and review Confidential Information
12 as permitted by this Protective Order, but defendant may not copy,
13 keep, maintain, or otherwise possess any Confidential Information in
14 this case at any time. Defendant also may not write down or
15 memorialize any data or information contained in the Confidential
16 Information.

17 m. The Defense Team may review Confidential Information
18 with a witness or potential witness in this case, including
19 defendant. A member of the Defense Team must be present whenever
20 any CI Materials are being shown to a witness or potential witness.
21 A member of the Defense Team must be present if PII Materials or
22 Medical Materials are being shown to a witness or potential witness.
23 Before being shown any portion of Confidential Information, however,
24 any witness or potential witness must be informed of the
25 requirements of the Protective Order and a Defense Team member must
26 document such. No member of the Defense Team shall permit a witness
27 or potential witness to retain Confidential Information or any notes
28 generated from Confidential Information.

1 n. The Defense Team shall maintain Confidential
2 Information safely and securely, and shall exercise reasonable care
3 in ensuring the confidentiality of those materials by (1) not
4 permitting anyone other than members of the Defense Team, defendant,
5 witnesses, and potential witnesses, as restricted above, to see
6 Confidential Information; (2) not divulging to anyone other than
7 members of the Defense Team, defendant, witnesses, and potential
8 witnesses, the contents of Confidential Information; and (3) not
9 permitting Confidential Information to be outside the Defense Team's
10 offices, homes, vehicles, or personal presence. Materials shall not
11 be left unattended in any vehicle.

12 o. To the extent that defendant, the Defense Team,
13 witnesses, or potential witnesses create notes that contain, in
14 whole or in part, Confidential Information, or to the extent that
15 copies are made for authorized use by members of the Defense Team,
16 such notes, copies, or reproductions become Confidential Information
17 subject to the Protective Order and must be handled in accordance
18 with the terms of the Protective Order.

19 p. The Defense Team shall use Confidential Information
20 only for the litigation of this matter and for no other purpose.
21 Litigation of this matter includes any appeal filed by defendant and
22 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the
23 event that a party needs to file Confidential Information with the
24 Court, the party seeking to file such information shall redact any
25 Confidential Information and make all reasonable attempts to limit
26 the divulging of Confidential Information.

27 q. Any Confidential Information inadvertently produced
28 in the course of discovery prior to entry of the Protective Order

1 shall be subject to the terms of this Protective Order. If
2 Confidential Information was inadvertently produced prior to entry
3 of the Protective Order without being marked "CONFIDENTIAL
4 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
5 shall reproduce the material with the correct designation and notify
6 defense counsel of the error. The Defense Team shall take immediate
7 steps to destroy the unmarked material, including any copies.

8 r. If any Confidential Information contains both CI
9 Materials and another category of Confidential Information, the
10 information shall be handled in accordance with the CI Materials
11 provisions of this Protective Order.

12 s. Confidential Information shall not be used by any
13 member of the defense team, in any way, in any other matter, absent
14 an order by this Court. All materials designated subject to the
15 Protective Order maintained in the Defense Team's files shall remain
16 subject to the Protective Order unless and until such order is
17 modified by this Court. Within 30 days of the conclusion of
18 appellate and post-conviction proceedings, defense counsel shall
19 return CI Materials to the government or certify that such materials
20 have been destroyed. Within 30 days of the conclusion of appellate
21 and post-conviction proceedings, defense counsel shall return all
22 PII Materials or Medical Materials, certify that such materials have
23 been destroyed, or certify that such materials are being kept
24 pursuant to the California Business and Professions Code and the
25 California Rules of Professional Conduct.

26 t. In the event that there is a substitution of counsel
27 prior to when such documents must be returned, new defense counsel
28 must be informed of, and agree in writing to be bound by, the

1 requirements of the Protective Order before defense counsel
2 transfers any Confidential Information to the new defense counsel.
3 New defense counsel's written agreement to be bound by the terms of
4 the Protective Order must be returned to the Assistant U.S. Attorney
5 assigned to the case. New defense counsel then will become the
6 Defense Team's custodian of materials designated subject to the
7 Protective Order and shall then become responsible, upon the
8 conclusion of appellate and post-conviction proceedings, for
9 (1) returning to the government, certifying the destruction of, or
10 retaining pursuant to the California Business and Professions Code
11 and the California Rules of Professional Conduct all PII Materials
12 or Medical Materials; and (2) returning to the government or
13 certifying the destruction of all CI Materials.

1 u. Defense counsel shall advise defendant and all
2 members of the Defense Team of their obligations under the
3 Protective Order and ensure their agreement to follow the Protective
4 Order, prior to providing defendant and members of the Defense Team
5 with access to any materials subject to the Protective Order.

6 IT IS SO ORDERED.

7
8 _____
DATE

HONORABLE WESLEY L. HSU
UNITED STATES DISTRICT JUDGE

9
10 Presented by:

11 _____
12 /s/
JEREMIAH LEVINE
13 Assistant United States Attorney